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PART IV-C

Statutory Rules and Orders (Other than those published in Parts I, I-A and I-L) made by Statutory Authorities other than the Government of Gujarat including those made by the Government of India, the High Courts, the Director of Municipalities, the Commissioner of Police, the Director of Prohibition and Excise, the District Magistrates and the Election Commission, Election Tribunals, Returning Officers and other authorities under the Election Commission.

BY THE HIGH COURT OF GUJARAT AT AHMEDABAD

NOTIFICATION

No.C.3003/2021

In view of the Sub rule (b) of Rule (1) of 'The Gujarat High Court (Live Streaming of Court Proceedings) Rules, 2021', Honourable the Chief Justice has been pleased to order that, the said Rules shall come into force with effect from 17th July, 2021.

**HIGH COURT OF GUJARAT AT SOLA,
AHMEDABAD – 380 060.**

DATE: JULY 16, 2021

**ASHOK T. UKRANI,
REGISTRAR (SCMS & ICT).**

The Gujarat High Court (Live Streaming of Court Proceedings) Rules, 2021

With the objective of effectuating and broadening the implementation of Open Court concept during the virtual as well as physical hearings of the High Court, the High Court of Gujarat, in exercise of powers conferred by Article 225 of the Constitution of India, hereby makes the following rules as to the live streaming of Court proceedings of the High Court of Gujarat.

1. Short Title & Commencement:

- (a) These rules shall be called the Gujarat High Court (Live Streaming of Court Proceedings) Rules, 2021.
- (b) These rules shall be deemed to have commenced from the date as may be notified by order of Honourable the Chief Justice.

2. Definitions: In these rules, unless the context or the subject matter otherwise requires:

- (a) "High Court" means the High Court of Gujarat
- (b) "Chief Justice" means Honourable the Chief Justice / Acting Chief Justice of the High Court of Gujarat.
- (c) "Live Streaming Platform" or "Live Streaming Portal" means the High Court authorised access to the web-platform/portal used for live telecast / streaming / webcasting of the physical / virtual court proceedings of the High Court, as may be selected and notified from time to time, by the High Court of Gujarat.
- (d) "Video Conferencing Platform" means the platform/portal/application used for video conferencing / remote conferencing / web conferencing, as may be selected and notified from time to time, by the High Court for the High Court.
- (e) "Presiding Judge" means and includes the Presiding Judge of Single Judge Court or of a Bench of the High Court before whom the case is listed
- (f) "Assisting Ministerial Personnel of the Court" means and includes the Court Master assisting the Presiding Judge(s).

3. Mode of Live Streaming:

- (a) The mode of live streaming of Court proceedings may be any publicly available Live Streaming Platform/ Portal for live webcasting of audio-visual feed of the virtual / physical court proceedings. Such Live Streaming Platform shall be selected and notified by the High Court from time to time.
- (b) The live streaming will be done by authorised High Court personnel only, directly to the Live Streaming Platform / Portal or through High Court official accounts of any Video Conferencing Platform to the Live Streaming Platform / Portal, as may be required depending upon the situation of virtual hearing or physical hearing.
- (c) The live streaming of the Court Proceedings may be with latency / delay of upto 2 minutes from the actual proceedings.
- (d) The weblink of accessing the live streaming of the court proceedings will be published on the website of the High Court and may also be published in the Causelist of the respective Court(s)/Bench(es).

4. Scope of Live Streaming:

- (a) High Court proceedings of all cases except the following will be live streamed:
 - (i) Cases involving matrimonial disputes,
 - (ii) Cases of offences of sexual assault and Protection of Children from Sexual Offences (POCSO) Act, 2012,
 - (iii) Cases involving children and juveniles,
 - (iv) Cases relating to Official Secrets Act, 1923 or involving national security,
 - (v) Cases of Habeas Corpus petitions and
 - (vi) Case proceedings ordered, with reasons recorded in writing, to be conducted in-camera.

- (b) High Court proceedings conducted through video conferencing as well as physically held court proceedings may be covered for live streaming.
- (c) The Honourable Judges may, in their own wisdom, opt not to live stream or may not permit live stream of specific matters with due intimation to Honourable the Chief Justice. In such cases, the assisting ministerial personnel will make an entry in the Register as prescribed in ANNEXURE FORM I to these rules.
- (d) The videos of live streaming of court proceedings may be allowed to remain on the Live Streaming Platform/ Portal except when specifically directed by the concerned Presiding Judge(s) to delete/remove the same. Copy of videos so deleted/removed will be securely kept with the IT Cell of the High Court.
- (e) Presiding Judges of Benches may mute their microphones while discussing with each other any aspect of the case or while passing any administrative instructions to the assisting ministerial personnel.
- (f) In case of any urgent need, the Presiding Judge may direct the assisting personnel to stop/pause the live streaming, if the same is found to be necessary in the interest of administration of justice. Any such event of stopping or pausing will be noted by the assisting ministerial personnel, in the Register as prescribed in ANNEXURE FORM I to these rules.

5. Limitation and Restrictions:

- (a) The live streaming of the court proceedings is for general information purpose only, aimed to effectuate and broaden the principles of Open Court, transparency, access to justice and larger public interest. Live streaming of the Court proceedings being done with an educative and beneficial cause, will not be sought for as of right by any of the stakeholders.
- (b) No live commenting or live chat will be allowed on the live streaming being done of the Court proceedings. Any comments posted on uploaded videos will be moderated by the High Court and approved, if found to be appropriate, relevant and useful.
- (c) The High Court of Gujarat or any personnel of its Registry will not be responsible for any delays, breakdown or disruption in the live streaming or its quality on the part of the Live Streaming Platform/ Portal. Any delay / breakdown / disruption / outage of the live streaming due to any reason at Court end, will be noted with details by the assisting ministerial personnel of the particular Court, in the Register as prescribed in ANNEXURE FORM I to these rules.
- (d) The High Court of Gujarat shall hold copyright over live streamed feed and videos, prohibiting any unauthorised copying of the live feed / videos. Unauthorised use/re-use, capture, editing/ re-editing, distribution/redistribution, or creating derivative works or compiling the live streamed feed / videos or using the same for any commercial purpose, in any form, will not be permitted. However, web-links to the entire videos as live streamed / uploaded by the High Court may be used/embedded for any informational, educational and/or academic purposes.
- (e) Notwithstanding any provisions of these rules, no unauthorised recording / streaming of the Court proceedings by anyone is deemed to be allowed.
- (f) The live streamed feed / videos of the court proceedings are not to be considered as part of the case or court record or for reliance by any Subordinate Court of the State in any adjudication.
- (g) The live streamed feed / videos of the court proceedings will not be allowed to be treated as evidence of anything relating to the Court proceedings and will also not be considered admissible as such, in any Court proceedings in the High Court or Subordinate Courts.
- (h) Requests for copy of any live streamed feed / videos will not be entertained for any purpose whatsoever.
- (i) No content of the live streamed feed / videos or any observations made therein, will be treated as authorised/ certified / official version of anything relating to the Court proceedings. Only the orders / judgments pronounced by the respective Benches and the process / certified copies issued by the High Court Registry accordingly, will be treated as authentic and authorised.
- (j) Anyone participating in the proceedings, whether in person or through video conferencing, will have to maintain utmost discipline and decorum for upholding the dignity and majesty of the Court. Any participant found to be misusing the access to the Court for undue publicity through live streaming facility, may be muted or removed from video conferencing session; or asked to leave the Court if participating in person. In such a situation, if required, the Presiding Judge may direct to stop the live streaming of the Court

proceedings of the particular case for the day. Such an event will be noted by the assisting ministerial personnel of the Court, in the Register as prescribed in ANNEXURE FORM I to these rules.

- (k) In case of stopping the live streaming for any of the foregoing reasons/circumstances, the live streaming, when resumed, may have a fresh link, which would be notified through the High Court website and/or the Live Streaming Platform / Portal.
- (l) Violation of any of these provisions, will entail proceedings under the provisions of the Contempt of Courts Act, 1971 and other applicable penal laws.

ANNEXURE FORM-I

Bench / Court of	Date & Time	Matter Number, Ld. Adv. etc.	Detailed Account of Not Live Streaming and Stopping/Pausing/Breakdown etc. of Live Streaming				Sign of the Assisting Ministerial Personnel
			Not Live Streaming on Instructions of the Presiding Judge(s) [Rule 4(c)]	Stopped / Paused in the interest of administration of justice [Rule 4(f)]	Delays / Breakdown / Disruption [Rule 5(c)]	Stopping for Court Decorum [Rule 5(j)]	

ASHOKKUMAR TARACHAND UKRANI
REGISTRAR (SCMS & ICT).

